

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: July 19, 2018

Time: 10:00 a.m.

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In re:

VICTOR BOSTIC

Chapter 13
Case No.: 18-42713-608

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 19th day of JULY, 2018 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case, by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
July 2, 2018

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
VICTOR BOSTIC, Debtor(s)
CORASH & HOLLENDER PC, Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13
Case No.: 18-42713-608

VICTOR BOSTIC

Debtor(s)

APPLICATION

X

TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on May 10, 2018, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, debtor(s) has failed to provide the Trustee with Amended Chapter 13 Plan; proof post-petition car payments have been made; copy of the Loss Mitigation package (income portion) submitted to the bank; and a response to NYS Taxation and Finance letter regarding no returns with cc to the Trustee.
3. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
July 2, 2018

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

STEPHANIE TURNER, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On July 2, 2018 deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Victor Bostic
99 Sumner Place
Staten Island, NY 10301
Debtor(s)*

*Wilmington Savings Fund Society, FSB
d/b/a Christiana Trust
c/o Prober & Raphael, A Law Corporation
20750 Ventura Boulevard, Suite 100
Woodland Hills, California 91364*

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*Office of the United States Trustee
U.S. Federal Office Building
USTP.Region02.BR.TFRTDR@usdoj.gov*

*Paul Hollender, Esq.
Corash & Hollender PC
info@silawfirm.com
Attorney for Debtor(s)*

/s/ Stephanie Turner
STEPHANIE TURNER

Sworn to before me this
2nd day of JULY, 2018

/s/ Janine M. Zarrilli

NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021